

## SULZER DID FACE PERJURY ACTION

Vermont Jury Made Accusa-  
tion After Verdict in  
Will Case.

## ORIGINAL PAPER LOST

Judge George M. Curtis Says,  
However, That He  
Has a Copy.

## HE WON'T MAKE IT PUBLIC

Governor Says He'll Say Some-  
thing Interesting When  
His Turn Comes.

Gov. William Sulzer was, with Felix McCloskey of Brooklyn, presented by a law firm for perjury and conspiracy at the trial of an unsuccessful lawsuit in Vermont in 1889, said ex-Judge George M. Curtis, now practicing law at 55 Broadway street, in a statement to The Sun yesterday. Judge Curtis's statement follows:

"I am very reluctant to tell you even now. The jury which found in favor of Mrs. Mary Maud Carr Watson, who had been sued for \$10,000 legal fees by Mr. Sulzer, also presented through their counsel in writing a petition to the United States District Attorney that Mr. Sulzer and Mr. McCloskey be punished for perjury and conspiracy.

"I understand that the original paper was put on the fire but has been lost or mislaid, but there is an attested copy of the same now in existence to my personal knowledge."

Frank Plumley, now a Representative in Congress, was then United States District Attorney.

## Sulzer Then a Young Lawyer.

At the time Gov. Sulzer, then a young lawyer, had desk room in the office of Judge Curtis. Mr. Curtis had been attorney for Mrs. Watson in her action to break the will of her grandfather John Anderson, a New York to-be, who died in 1881 leaving an estate of \$250,000. Judge Curtis sued in breaking the will and then Mr. Sulzer, who had helped in some details of the case, was Watson's attorney.

Felix McCloskey of Brooklyn was the principal witness next to Mr. Sulzer himself. McCloskey was the son of a former sergeant-at-arms of the House and a follower of Hugh McLaughlin, it was said yesterday. No one could be found who had seen him within a year, Judge Curtis said. Joseph H. Choate, then examining McCloskey one day called him "the modern Munchausen."

As for the attested copy of the presentment issued by Judge Curtis, who served on the bench of the Marine Court, now the Court of Sessions, declared yesterday: "I will not make public this copy of the presentment unless forced to do so. Nothing but a lawful subpoena will get it out."

## Matter Nearly Forgotten.

The matter had been pretty well forgotten when Patrick E. McCabe, Democratic leader of Albany, in an attack on Gov. Sulzer on Wednesday said: "The Governor called me a little less than a democrat. No one could be found who had seen him within a year, Judge Curtis said. Joseph H. Choate, then examining McCloskey one day called him 'the modern Munchausen.'"

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## Curtis Doesn't Know McCabe.

"I don't know McCabe," he said. "Never saw him in my life so far as I know. I haven't received any communication on this matter from Mr. Sulzer. I don't know where McCabe is. I don't know of that presentment. I don't know of the existence of this attested copy of it."

Possibly Mr. Sulzer does not know of the existence of this copy. I won't guess the case because to do so will involve giving my opinion on it, by inference anyway. I don't want to harm any one or to be concerned in the matter at all, but I tell you the facts as the public may know. That is my duty."

Mr. Sulzer's action against Mrs. Watson was filed in the United States District Court and it went to trial before Judge Curtis and Judge Lacombe at Windsor, Vt., in May, 1889. Counsel in the case besides United States Attorney Frank Plumley were William Hoover of New York and Wilder L. Burlap of Burlington, Vt., appearing for Mr. Sulzer, and Charles A. Brophy, now Interstate Commerce Commissioner, Samuel E. Burgess, ex-Governor of Vermont, and W. H. C. Stickney, who appeared for Mrs. Watson.

## The Anderson Will Case.

Mrs. Watson's grandfather, John Anderson, whose will Judge Curtis had broken, died in Tarrytown and his estate had been in litigation since 1881. There was about \$1,000,000 of personal property and the rest was New York City realty, including the

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## KAISER'S JUBILEE MESSAGE.

Son of Peace Has Displeased Every  
Cloud, He Says.

Special Cable Dispatch to The Sun.  
BERLIN, June 20.—A receipt by the Kaiser is published here to-night by Chancellor von Bethmann-Hollweg. It says:

"I thank God that I can look back with satisfaction on the past twenty-five years of serious work and the great acquisitions they have brought to the fatherland. That this happened under the fertilizing rays of the sun of peace, the strength of which victoriously dispelled every cloud on the horizon, makes me particularly happy."

The Kaiser then refers to the numerous institutions which were established in commemoration of the celebration, and says:

"The jubilee has thus become the source of a stream of blessings for German lands even for coming generations. With joy and emotion I express my warmest thanks to every individual who has thought of me, I shall in the future also apply my whole strength to the welfare of the German people so long as the Lord God spares the strength in me."

## REFUSES TO ACCEPT LEGACY.

Newark Man Gives Away \$2,000—  
Prefers to Earn What He Gets.

Benjamin Flusser, a Newark, N. J., merchant, who inherited \$2,000 from the estate of his brother, Max Flusser, who died over a year ago, has declined to accept the legacy for his own use. Half of it he has given to charitable institutions and the other half to relatives.

He says that he wants to earn with his own fingers any money he gets.

## ARCHDEACON REACHES PEAK OF MT. M'KINLEY

Erects Six Foot Cross, Offers  
Prayer and Takes  
Observations.

SEATTLE, June 20.—Word reached here to-day of the successful ascent of Mount McKinley by Archdeacon Hudson Stuck. The message said that he reached the summit of the mountain on June 7. Archdeacon Stuck is a missionary of the Episcopal Church, whose home is in Fairbanks, Alaska. He set out three months ago for the trip.

The despatch says that the scaling party was able to discern a flagpole that the Thomas Lloyd expedition in 1910 put up on one of the lower peaks. The explorer believes that the accuracy of his instruments coupled with the splendid weather conditions prevailing will give an unusually correct calculation as to the exact height of the mountain when his observations have been figured out for the trip.

Archdeacon Stuck and his companions, H. P. Kasten, R. G. Tatam and Walter Harper, knelt in prayer and recited the thanksgiving service of the church and later put up a six foot cross on the summit.

The despatch says the party has no doubt that the ascent of the highest point of North America was made. The weather was such that an uninterrupted view convinced the archdeacon and his companions that they had reached the highest pinnacle of the mountain, the south point.

They followed a route that had been opened up by earthquakes last summer. This had shaken the higher ridges of the mountain. The party loosened boulders and shattered ice made the trip particularly hazardous.

Archdeacon Stuck will not return to Fairbanks until August and when in October will go to New York as a delegate from Alaska to the general convention of the Episcopal Church.

The message which the Archdeacon forwarded to Fairbanks says:

"Expedition successful. Accomplished first complete ascent of Mount McKinley on June 7. Reached the summit of South, the highest of the peaks on a clear day when it was possible to read all the angles of the mountain and other points and make certain that we had conquered the highest of all."

"We were successful in carrying a mercantile barometer to the top and making complete observations and readings, which when compared with simultaneous readings at Fort Gibson, should give a close approximation of the true height of the mountain. After completing observations we hoisted the American flag and at the foot of a six foot cross said a Te Deum on the highest point in North America."

The Archdeacon and his three followers left Fairbanks the middle of March. Their equipment was supplied from the outfit of Prof. Parker, which was used last year. Supplies had been taken to the foot of the mountain last fall.

## GIRL DROWNS WITHOUT OUTCRY.

Uses Canoe Paddle on Wrong Side at  
Highland Lake.

WINSTON, Conn., June 20.—Miss Adeline Van Overstraeten of Stamford, 26 years old, a teacher in the Green Street School in New Haven, lost her life while canoeing alone on Highland Lake this afternoon. She arrived here yesterday to pass part of the summer vacation at the home of Robert M. Ensign.

She used the canoe paddle on the wrong side and probably fell into the lake in front of the cottage of F. H. Conn of New York city. The launch at the park and another craft immediately set out to rescue the teacher, but she went down before they could reach her. The body has not been recovered.

## PENNSYLVANIA BANS HANGINGS.

Tenor Signs Bill Substituting Death  
Chair for Gallows.

HARRISBURG, June 20.—Gov. Tener signed to-day the bill substituting the electric chair for hanging in Pennsylvania as a means of putting murderers to death.

The new law applies to murderers whose crimes are committed after June 19, 1913 (yesterday).

## ADMITS PERJURY IN HER ERLANGER SUIT

Edith St. Clair Says Max Steiner,  
Her Lawyer, Told Her  
What to Testify.

## GOT JUDGMENT OF \$2,500

Through W. T. Jerome Makes  
Motion for a New Trial to  
"Right the Wrong."

Papers were filed yesterday in the County Clerk's office on behalf of Edith St. Clair, an actress, in a motion to be made before Justice Goff in Special Term, Part I, of the Supreme Court on Wednesday, asking that a judgment of \$2,500 obtained by her against Klaw & Erlanger last December be set aside and that a new trial be granted.

Miss St. Clair sets forth in her moving affidavits that she committed perjury at the trial of the suit, and that the subject matter of much of her testimony had been "outlined" for her by her counsel, Max D. Steiner.

Miss St. Clair decided to proceed to have the judgment upset after many talks with former District Attorney William Travers Jerome, counsel for Klaw & Erlanger in the suit, in which she declared that "no promises or inducements of any nature or kind whatsoever had been made or given to me for going to see Mr. Jerome or for giving him the information that I have given him."

Her motive for the confession is set forth in her affidavit as follows: "I felt that a serious wrong had been done Mr. Erlanger and I desired to redress that wrong so far as it lay in my power to do so."

## Told the Grievance Committee.

To prove that there was nothing confidential about her talks with Mr. Jerome she voluntarily went before the grievance committee of the Bar Association and the Grand Jury on May 28 and repeated all that she had told Mr. Jerome concerning lawyer Steiner. She was granted immunity before the Grand Jury and there was no corroborating witness.

Miss St. Clair originally claimed that she had a ten years contract with Klaw & Erlanger for a payment of \$25,000 a year. The first installment was paid on August 7, 1909, but the second installment (for 1910) was not paid and she brought suit. The first trial of the suit resulted in a mistrial, Justice Page withdrawing a juror. The second trial took place before Justice Pendleton, Edmund L. Moorey appearing for Miss St. Clair. Mr. Erlanger insisted at the time that Mr. Moorey represented Mr. Steiner.

Mr. Jerome refused to accede to Justice Pendleton's ruling that he would have to sum up first for the defendants on the ground that the burden of proof had shifted during the trial from the defendants to the plaintiff. Miss St. Clair got her judgment for \$2,500, interest and costs of court and Mr. Jerome took an appeal. The appeal has not yet been argued.

Had Miss St. Clair's judgment been affirmed she would have been entitled to the balance of the \$25,000 under the contract, or \$20,000, as the installments fell due.

It was claimed that the contract was entered into by the firm following a verbal contract in which Miss St. Clair was to get \$75 a week for life.

## Steiner Testified at the Trial.

Mr. Steiner testified at the trial that he went to Mr. Erlanger and told him that Miss St. Clair's people understood that Mr. Erlanger refused to employ her longer under the alleged "life contract" and her people wanted a substantial substitute. Mr. Steiner said that Mr. Erlanger, although saying he didn't remember any oral contract, proposed to pay Miss St. Clair \$25,000 in ten yearly installments, but stipulated that she couldn't play again in any of the Klaw & Erlanger companies.

Mr. Erlanger set up in a separate answer to the complaint that he had been a victim of fraud. He asserted that he was then married to the wife later divorced. Mr. Steiner acting as Mrs. Erlanger's attorney, and he induced his partner to enter into the ten years contract with Miss St. Clair because of her threat to start an action on the alleged oral contract and the publicity would be detrimental to his business and his home.

Miss St. Clair has filed three affidavits in her action to right the wrong she says she has done Mr. Erlanger.

In the first she tells of her visits to Mr. Jerome and the way she came to give him information. She said that Mr. Erlanger was unwilling to see her and he suggested that if she had anything to say to see Mr. Jerome, his counsel. She said she told Mr. Jerome no inducements had been held out to her and that he had permission to use her information for any purposes he deemed just and proper.

## Tells of First Visit to Steiner.

She said that when she first went to Mr. Steiner she did not say that she wanted to start an action against Klaw & Erlanger, but that she wanted to effect a reconciliation between "Mr. Erlanger and myself, so that I could again go to work." She denied telling Mr. Steiner that she had a life contract with Mr. Erlanger.

After that, she declared, Mr. Steiner informed her that Mr. Erlanger said she would not be employed any more in Klaw & Erlanger's productions, but that they would pay her \$25,000 a year for ten years.

"Since the trial of this action," the affidavit continues, "I have thought a great deal about what I testified to upon the trial and what occurred previously thereto, and in pursuing the course that I have in coming to Mr. Jerome and in making the affidavits above referred to at his request and communicating the facts that I have told him of, I have been actuated by the following motive: 'I felt that a serious wrong had been done Mr. Erlanger and desired to redress that wrong so far as it lay in my power to do so.'"

Continued on Third Page.

## UNHURT BY 175 FOOT LEAP.

Architect Says He Did Washington  
Bridge Stunt on a Dare.

John Bruns, 31 years old, an architect living at 777 Elmsmere place, The Bronx, walked out on the Washington Bridge at 4:30 o'clock yesterday afternoon and jumped into the Harlem River. The drop from bridge to river at that point is about 175 feet.

Bruns struck the water not far from The Bronx shore. Some boys saw him falling and their cries attracted the attention of Policeman Stepat. He rowed out in a boat and pulled Bruns from the water. The architect was stunned.

By the time an ambulance surgeon got there Bruns had recovered himself and the surgeon found him unhurt except for a few minor bruises. He was locked up in the High Bridge station on a charge of attempted suicide.

Bruns ridiculed the accusation that he wanted to die. He said that some friends had dared him to jump off the bridge and had told him he was afraid to do it. "I showed them I wasn't afraid, all right," he added.

The joke looked up acquaintances of Bruns, who said that the architect had been worrying about some "imaginary troubles" lately.

## ITALY MAY RETURN CHARLTON AS INSANE

Wife Slayer Now Awaiting Ex-  
tradition Here Will Be Ex-  
amined by Experts.

Special Cable Dispatch to The Sun.

Rome, June 20.—It is probable that on the arrival here of Porter Charlton, the young American who killed his wife and threw the body into Lake Como three years ago he will be examined by medical experts. If they declare him to be insane he can easily be sent to America and placed in an asylum there. The Italian Government will probably readily consent to this, as it is said that there are now 50,000 insane Italians in American asylums, as compared with 100 American citizens in Italian institutions.

The question as to whether or not the Italian Government should pay for the difference in number between the Italians in American institutions and the Americans in Italian asylums has been in abeyance for years and the Government does not wish to raise it again.

## Docked at Midnight.

It was midnight when the France docked and some of her passengers elected to stay aboard until breakfast time this morning. She was more than two hours at quarantine partly because of the examination of her 911 steerage passengers and partly because of one of the steerage passengers who had hidden himself in the second cabin. It was necessary for Capt. Poncelet to account for every steerage passenger to the quarantine doctor and it took some time to find the fugitive.

Detective Barney Flood came back by the France with a prisoner, Joseph Schwartz, accused of embezzling \$15,000 from R. L. Lane, customs broker. Schwartz says he is related to the Rothschilds and that he expects to get help from them so he may restore the money. He married an opera singer whom he loved, he says, rather than take the rich woman his relatives had selected for him.

## CROWD ASSAULTS SUFFRAGETTES

Special Cable Dispatch to The Sun.

LONDON, June 20.—Miss Sylvia Pankhurst, daughter of Mrs. Emmeline Pankhurst, the militant suffragette leader, in a speech at Limehouse, East London, to-night urged the men of the East End to go up an army to Westminster with sticks and stones. The women, she said, would then get the vote in double quick time.

Ten thousand persons mobbed speakers of the Women's Social and Political Union at an outdoor meeting in Limehouse to-night. They were pelted with turf and some of them hurt. The police had to fight their way through the crowd to rescue them.

## BISHOPS VETO CARNEGIE GIFT.

Vanderbilt's Acceptance of \$1,000,000  
Declared Null and Void.

NASHVILLE, Tenn., June 20.—At the meeting to-day of the bishops who composed the Methodist College, the action of the Vanderbilt University board of trustees in accepting the recent gift of \$1,000,000 from Andrew Carnegie was declared null and void. In addition to their veto the bishops issued a statement of their action to the church.

The action of the bishops depends solely for its actual effect on winning their suit against the university board of trust. Meantime the gift will come to Vanderbilt and will remain there unless the bishops should win the fight in the Supreme Court, in which event they will return the \$1,000,000 to Mr. Carnegie.

The veto measure of the bishops will not affect the board of trust's acceptance of the gift, as the bishops have taken similar action upon university matters before with no effect.

## OCEY SNEAD'S MOTHER DEAD.

Adjudged Insane After Pleading  
Guilty to Manslaughter.

THRENTON, N. J., June 20.—Mrs. Caroline B. Martin, mother of Mrs. Ocey Snead, victim of the famous bathtub murder mystery in East Orange several years ago, died late to-night in the State Hospital for the Insane here, where she was committed after being sentenced to seven years in the State prison upon the conviction of manslaughter.

Soon after she was convicted Mrs. Martin, who was 67 years old, was adjudged insane. The cause of her death is uncertain and an autopsy is to be performed to-morrow to determine whether or not she committed suicide. Her sister, Mrs. Wardlaw, while being held as a material witness in the case, committed suicide in the Essex county jail at the time of the trial.

It was said last night that both sides are beginning to feel that they would like to shift responsibility on direct primaries, and it is pointed out that no body has found a better way than to let the people themselves decide the fate of the Governor's bill.

## LINER FRANCE HIT BY LIGHTNING BOLT

Master at Arms and Six Seamen  
Knocked, Stunned, to  
the Deck.

## PANIC IN THE STEERAGE

Passengers Soon Quieted, How-  
ever, and Ship Docks  
at Midnight.

The French liner France, greatest and swiftest of French merchantmen, anchored in Quarantine last night while the rain was pouring and the sky batteries were hurling incandescent bolts bayward. One of the glowing missiles hit the foremast of the ship and running down the steel spar scarred the dripping deck. Master at Arms Feutren Joseph and six able seamen who were standing near the base of the mast, were knocked down and lay stunned for a few moments.

The sharp crackling of the lightning and the vivid illumination stirred the steerage passengers forward into panic. Succeeding salvos from the inky sky worked on the nerves of the immigrants and there was much wailing and screaming among them. Officers soon to restore quiet in the steerage were quickly successful and in less than five minutes from the time the lightning hit all hands were comparatively placid.

The master at arms and the sailors were all right before the liner reached her pier. The wireless equipment of the ship was put out of commission.

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## BLAZE EMPTIES HOTEL.

Endless Guests Turned Out When  
Two Houses Are Burned.

A fire which was discovered at 2:30 this morning in a dwelling at 110 West Eighty-first street, directly in the rear of the Hotel Endicott, at Columbus avenue, between Eighty-first and Eighty-second streets, speedily destroyed that building and communicated to the one at 112 West Eighty-first street.

From this house Theodore E. Pack, president of the American Oil Development Co., his wife, his son Augustus, his daughter and a nephew were driven by the flames. All had narrow escapes and the younger Pack was nearly suffocated. He aroused in time, however, and managed to get the rest of the family out. They saved practically nothing.

A cross wind was blowing the flames up against the Endicott, which takes in nearly a whole block, and every guest of the hotel was put out in the street. Scores of men and women in night attire didn't have time even to get their valuables.

The fire in the house at 110 West Eighty-first street, now shut up for the summer, sent smoke into the Endicott at 5 o'clock yesterday afternoon. A search for the source of the flame was kept up all evening without success until a man living in the rear of the hotel saw the blaze coming from the rear of the house at 110 West Eighty-first street.

The firemen were greatly hampered in their work by the shortage of water, due to the bursting of a big water main, Thursday night, and Devereux Milburn, the polo player, are engaged. No date has been set for the wedding.

## DEVEREUX MILBURN TO WED.

His Engagement to Miss Nancy  
Steele Reported.

It was reported yesterday that Miss Nancy G. Steele, daughter of Mr. and Mrs. Charles Steele, and Devereux Milburn, the polo player, are engaged. No date has been set for the wedding.

Miss Steele attended the Harvard-Yale boat race at New London and the fact of the engagement became known then. She returned last night to the home of her parents, 11 East Sixty-second street. Mr. Milburn's city home is 16 West Tenth street.

## TO OBEY MINNESOTA DECISION.

Railroads Will Refund \$3,000,000 to  
Overcharged Shippers.

ST. PAUL, Minn., June 20.—At a conference with the members of the State Railroad and Warehouse Commission held behind locked doors this morning, representatives of the railroads affected by the Minnesota rate case decision agreed to put into effect, as soon as possible, the State rates declared valid by the Supreme Court.

These include the two cent passenger rate, the merchandise schedule and the commodity freight rate, enacted by the Legislature, but never put into effect because of injunction proceedings.

The railroads will agree to pay refunds due shippers for overcharges in the period in which the State rates were enjoined. This will amount to approximately \$3,000,000.

The meeting was attended by men from the Great Northern, Northern Pacific, Chicago, St. Paul and Minneapolis and Omaha and Minneapolis and St. Louis.

## WOOLWORTH CAN'T BAR WATERS

Any Kind in Bottles May Go Up by  
Elevator Now.

By the settlement yesterday of a Supreme Court suit tenants of the Woolworth Building are free to buy any brand of bottled water they prefer and have it delivered by elevator.

The Freidest Company, owner of the building, said only one particular brand of water was permitted to be taken up in the elevators and that men who delivered the kind of water that the Freidest Company wanted had to lug their bottles up the stairs.

## TEN OFFER BLOOD AT \$25 QUART.

V. M. C. A. Athletes Respond to a  
Surgeon's Advertisement.

Athletes in the West Side Y. M. C. A. gymnasium are ready to sell human blood for transfusion operations at \$25 a quart.

That is the market rate. It was established yesterday when ten men answered an advertisement in the gymnasium asking for a man, strong and healthy, who would give a quart of blood for a transfusion operation. A large placard posted in the gymnasium reads as follows:

"Wanted—A good man for blood transfusion operation. One quart of blood needed; \$25 reward and extra payment if operation is successful. Apply at the office."

The successful applicant is a Western college graduate who offered himself. He was selected in preference to the others because blood tests showed his blood to be in almost perfect condition. Dr. W. R. Weismiller, who has charge of the gymnasium, refused to give the name of the surgeon or the patient.

## HARVARD CREWS OUTCLASS YALE

Crimson Victorious in All  
Three Races—Followers  
of Blue Disgusted.

## ENGLISH STROKE FAILS